

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DUANE R. STEWART,

Plaintiff,

v.

KING COUNTY HEALTH  
DEPARTMENT, et al.,

Defendants.

C12-937 TSZ

ORDER

THIS MATTER comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Brian A. Tsuchida, United States Magistrate Judge, docket no. 12. Prior to the due date for objections to the R&R, plaintiff filed a motion for 15-month extension or in the alternative voluntary dismissal, docket no. 13.<sup>1</sup> In this motion, plaintiff reiterates his complaints about the medical care he has received while in the custody of both King County and Washington’s Department of Corrections. For the reasons stated in the R&R, disagreements about proper medical treatment and allegations

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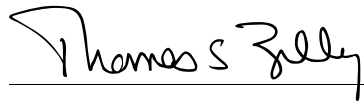
<sup>1</sup> Plaintiff’s motion indicates a desire to dismiss this matter “with prejudice for 15 months.” The Court interprets plaintiff’s request as seeking dismissal without prejudice so that he may refile his claims after he is released from custody in October 2013.

1 of negligent medical care are not cognizable under 42 U.S.C. § 1983. Thus, the Court is  
2 not persuaded that plaintiff will be able to adequately amend his complaint or that the  
3 lengthy extension plaintiff seeks will serve any purpose. The Court will, however, grant  
4 plaintiff's motion to dismiss this matter without prejudice. See Fed. R. Civ. P. 41(a)(2).

5 For the foregoing reasons, the Court ORDERS:

- 6 (1) The R&R is ADOPTED in part and MODIFIED in part;  
7 (2) This matter is DISMISSED without prejudice upon plaintiff's motion; and  
8 (3) The Clerk is DIRECTED to send a copy of this Order to all counsel of  
9 record, plaintiff pro se, and Magistrate Judge Tsuchida.

10 Dated this 2nd day of October, 2012.

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13 THOMAS S. ZILLY  
14 United States District Judge  
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